

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MYPORT, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
AND SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

Civil Action No. 2:22-CV-00114-JRG

P.R. 4-5(d) JOINT CLAIM CONSTRUCTION CHART

Pursuant to P.R. 4-5(d) and the Court’s Docket Control Order, the parties hereby submit the following Joint Claim Construction Chart for United States Patent Nos. 9,832,017 (“the ’017 Patent”); 10,237,067 (“the ’067 Patent”); and 10,721,066 (“the ’066 Patent”) (collectively, the “Asserted Patents”):

Claim Language from Asserted Claims	MyPort’s Proposed Construction	Samsung’s Proposed Construction	Court’s Construction
<u>U.S. Patent No. 9,832,017</u> 6. A system for capturing image and audio information for storage, comprising: a capture device having: internal storage; a microphone interfacable with and external audio information source that generates external audio	“context tag” ’017 Patent Claims 6, 10, 12, 13 ’067 Patent Claims 6, 13 ’066 Patent Claims 6, 13 Searchable elements derived from either a data element itself or from the context description element.	“context tag” ’017 Patent Claims 6, 10, 12, 13 ’067 Patent Claims 6, 13 ’066 Patent Claims 6, 13 plain meaning i.e., a tag representing context of [the received digital	“context tag”

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<p>information and a first data converter for capturing the first external audio information from the microphone, a camera interfacing with and external image source to capture an image therefrom; the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio in internal storage within the capture device, the camera for processing the captured image and storing it as a stored digital image in internal storage and a combiner for generating an association between the stored digital audio and the stored digital image, a media data converter for converting the received set of captured information to convert the received digital audio to a text based searchable file as a text context tag and</p>	<p>“associating the text and image recognition context tags with the digital image” / “storing [. . .] the digital image in association with the text and image recognition context tags”</p> <p>'017 Patent Claims 6, 13</p> <p>'067 Patent Claims 6, 13</p> <p>'066 Patent Claims 6, 13</p> <p>No construction necessary/plain and ordinary meaning. To the extent the Court determines that a specific construction is warranted: Relating the text and image recognition [context tags] with the digital image” / “storing [. . .] the digital image such that there is a relationship with the text and image recognition [context tags].</p>	<p>audio/at least a portion of the digital image]</p> <p>“associating the text and image recognition context tags with the digital image” / “storing [. . .] the digital image in association with the text and image recognition context tags”</p> <p>'017 Patent Claims 6, 13</p> <p>'067 Patent Claims 6, 13</p> <p>'066 Patent Claims 6, 13</p> <p>associating the text based searchable file as the text context tag with the digital image and associating the image recognition searchable context tag with the digital image</p> <p>///</p> <p>storing the digital image in association with the text based searchable file as the text context tag and storing the digital image in association</p>	<p>“associating the text and image recognition context tags with the digital image” / “storing [. . .] the digital image in association with the text and image recognition context tags”</p>

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creating an image recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image recognition context tags with the digital image, and the internal storage storing the digital image in association with the text and image recognition context tags.		with the image recognition searchable context tag	
7. The system of claim 6, wherein the first data converter captures the first external audio information from the microphone during generation thereof.	"transmitting [transmits] the associated stored digital image in association with the text and image recognition context tags" '017 Patent Claims 10, 12 No construction necessary/plain and ordinary meaning. To the extent the Court determines that a specific construction is warranted: sending the associated stored digital image in association with the text and image recognition [context tags].	"transmitting [transmits] the associated stored digital image in association with the text and image recognition context tags" '017 Patent Claims 10, 12 The associated stored digital image, the text based searchable file as the text context tag, and the image recognition searchable context tag are transmitted in association with one another.	"transmitting [transmits] the associated stored digital image in association with the text and image recognition context tags"
8. The system of claim 6, wherein the camera captures the image from the external image source at an instant in time.			
9. The system of claim 6, wherein the first data converter processes the captured external audio information from a start event representing the time	"the internal storage storing the digital image in association with the text and image recognition context tags" '017 Patent Claim 6 '067 Patent Claim 6 '066 Patent Claim 6	"the internal storage storing the digital image in association with the text and image recognition context tags" '017 Patent Claim 6 '067 Patent Claim 6 '066 Patent Claim 6	"the internal storage storing the digital image in association with the text and image recognition context tags"

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<p>that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.</p> <p>10. The system of claim 6, and further including: a transmitter associated with the capture device for transmitting the associated stored digital image in association with the text and image recognition context tags to the location on the network; a system disposed at the location on a network and including: a receiver for receiving the transmitted associated stored digital image in association with the text and image recognition context tags from the transmitter associated with the capture device as a received set of captured information, a database, and</p>	Not Indefinite.	Indefinite.	
	<p>“an [the] image source”</p> <p>'017 Patent Claims 13, 16</p> <p>'067 Patent Claims 13, 16</p> <p>'066 Patent Claims 13, 16</p> <p>No construction necessary/plain and ordinary meaning. To the extent the Court determines that a specific construction is warranted: a/the scene or object to be captured.</p>	<p>“an [the] image source”</p> <p>'017 Patent Claims 13, 16</p> <p>'067 Patent Claims 13, 16</p> <p>'066 Patent Claims 13, 16</p> <p>an internal or an external image source.</p>	“an [the] image source”
	<p>“a first digital audio format”</p> <p>'017 Patent Claims 6, 13</p> <p>'067 Patent Claims 6, 13</p> <p>'066 Patent Claims 6, 13</p> <p>No construction necessary/plain and ordinary meaning. To the extent the Court determines that a specific construction is warranted: Format</p>	<p>“a first digital audio format”</p> <p>'017 Patent Claims 6, 13</p> <p>'067 Patent Claims 6, 13</p> <p>'066 Patent Claims 6, 13</p> <p>digital audio with a format other than a sequence of samples</p>	“a first digital audio format”

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<p>the database storing the received associated stored digital image in association with the text and image recognition context tags.</p> <p>11. The system of claim 10, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.</p> <p>12. The system of claim 11, wherein the transmitter transmits the associated stored digital image in association with the text and image recognition context tags to the location on the network after at least the stop event associated with the processing of the captured external audio information.</p>	<p>compatible with audio information.</p>		

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<p>13. A system for capturing image and audio information for storage, comprising: internal storage; a microphone interfaced with an external audio information source that generates external audio information and a first data converter for capturing the first external audio information from the microphone; a camera interfacing with an image source to capture an image therefrom; the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio within the capture device, the camera for processing the captured image and storing it as a stored digital image; a second data converter for converting the received digital audio to a text based searchable file as a text context tag and creating an image</p>			

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<p>recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image recognition context tags with the digital image; and the internal storage storing the digital image in association with the text and image recognition context tags.</p> <p>14. The system of claim 13, wherein the image source is an external image source.</p> <p>15. The system of claim 13, wherein the first data converter captures the first external audio information from the microphone during generation thereof.</p> <p>16. The system of claim 13, wherein the camera captures the image from the image source at an instant in time.</p> <p>17. The system of claim 13, wherein the first data converter</p>			

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<p>processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.</p> <p><u>U.S. Patent No. 10,721,066</u></p> <p>6. A method for capturing image and audio information for storage, comprising: executing a capture operation with a capture device by the steps of: providing internal storage; interfacing a microphone with an external audio information source that generates external audio information and converting with a first data converter the first external audio information from the microphone, interfacing a camera with an external image source to</p>			

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<p>capture an image therefrom; the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio in internal storage within the capture device, the camera for processing the captured image and storing it as a stored digital image in internal storage; capturing with a data capture device, as captured data, location information, and time information associated with at least the capture of the image and storing the captured data as stored captured data; converting with a media data converter the received digital audio to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image</p>			

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<p>recognition context tags with the digital image and the captured data, and storing in the internal storage the digital image in association with the text and image recognition context tags in addition to the stored captured data.</p> <p>7. The method of claim 6, wherein the first data converter captures the first external audio information from the microphone during generation thereof.</p> <p>8. The method of claim 6, wherein the step of capturing captures the image with the camera from the external image source at an instant in time.</p> <p>9. The method of claim 6, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop</p>			

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<p>event representing the time that capture of the external audio information is complete.</p> <p>13. A method for capturing image and audio information for storage, comprising the steps of: providing internal storage; interfacing a microphone with an external audio information source that generates external audio information and converting with a first data converter the external audio information from the microphone; interfacing a camera with an image source to capture an image therefrom; capturing with a capture device, as captured data, location information and time information associated with at least the capture of the image and storing the captured data as stored captured data; the first data converter processing the captured external audio information</p>			

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<p>and storing it in a first digital audio format as stored digital audio within the capture device, the camera for processing the captured image and storing it as a stored digital image; converting with a second data converter the received digital audio to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image recognition context tags with the digital image and with the stored captured data; and storing in the internal storage the digital image in association with the text and image recognition context tags in addition to the stored captured data.</p> <p>14. The method of claim 13, wherein the image source is an</p>			

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<p>external image source.</p> <p>15. The method of claim 13, wherein the step of converting with the first data converter captures the first external audio information from the microphone during generation thereof.</p> <p>16. The method of claim 13, wherein the step of capturing captures with the camera the image from the image source at an instant in time.</p> <p>17. The method of claim 13, wherein the step of converting with the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.</p> <p><u>U.S. Patent No. 10,237,067</u></p>			

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<p>6. A system for capturing image and audio information for storage, comprising: a capture device having: internal storage; a microphone interfaceable with and external audio information source that generates external audio information and a first data converter for capturing the first external audio information from the microphone, a camera interfacing with and external image source to capture an image therefrom; the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio in internal storage within the capture device, the camera for processing the captured image and storing it as a stored digital image in internal storage; a data capture device for capturing, as captured data,</p>			

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<p>location information, and time information associated with at least the capture of the image and storing the captured data as stored captured data; a media data converter for converting the the received digital audio to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image recognition context tags with the digital image and the captured data, and the internal storage storing the digital image in association with the text and image recognition context tags in addition to the stored captured data.</p> <p>7. The system of claim 6, wherein the first data converter captures the first external audio information from the</p>			

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<p>microphone during generation thereof.</p> <p>8. The system of claim 6, wherein the camera captures the image from the external image source at an instant in time.</p> <p>9. The system of claim 6, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.</p> <p>10. The system of claim 6, and further including: a transmitter associated with the capture device for transmitting the composite data set to the location on the network; a system disposed at the location on a network and including:</p>			

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<p>a receiver for receiving the transmitted composite data set from the transmitter associated with the capture device as a received set of captured information, a database, and the database storing the received composite data set.</p> <p>11. The system of claim 10, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.</p> <p>12. The system of claim 11, wherein the transmitter transmits the received composite data set to the location on the network after at least the stop event associated with the processing of the</p>			

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<p>captured external audio information.</p> <p>13. A system for capturing image and audio information for storage, comprising: internal storage; a microphone interfaceable with an external audio information source that generates external audio information and a first data converter for capturing the external audio information from the microphone; a camera interfacing with an image source to capture an image therefrom; a data capture device for capturing, as captured data, location information and time information associated with at least the capture of the image and storing the captured data as stored captured data; the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio within the capture device,</p>			

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<p>the camera for processing the captured image and storing it as a stored digital image; a second data converter for converting the received digital audio to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image recognition context tags with the digital image and with the stored captured data; and the internal storage storing the digital image in association with the text and image recognition context tags in addition to the stored captured data.</p> <p>14. The system of claim 13, wherein the image source is an external image source.</p> <p>15. The system of claim 13, wherein the</p>			

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<p>first data converter captures the first external audio information from the microphone during generation thereof.</p> <p>16. The system of claim 13, wherein the camera captures the image from the image source at an instant in time.</p> <p>17. The system of claim 13, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.</p>			

Dated: August 1, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2023, counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Steven W. Hartsell